

Notice of Allowability

Application No.

09/996,342

Examiner

Tung S. Lau

Applicant(s)

WASCHURA ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/23/2006.
2. ☒ The allowed claim(s) is/are 1,3-9 and 12-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Douglas A. Chaikin registration # 29,140 on March 8, 2006.

The application has been amended as follows:

Cancel claims 2, 10 and 11.

In claim 1, line 3, after 'comparator,' -- the control means includes programmable means for establishing an array of columns and rows defining the points for accumulating counts of pulse voltage levels at time offsets during the duration times and for creating a voltage threshold window that moves between a minimum and maximum voltage with changes of rows of the array -- has been inserted.

In claim 9, line 3, after 'comparator,' -- establishing an array of columns and rows defining the points for accumulating the event counts at time offsets during the defined duration times; creating a voltage threshold window that moves with respect to a minimum and maximum voltage threshold wherein the voltage

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threshold window changes with respect to the rows of the array, -- has been inserted

In claim 3, line 2, replace '2 ' with --1—

In claim 12, line 2, replace '12 ' with --9—

In claim 13, line 2, replace '12 ' with --9—

Remarks: Amendments to claims 1 and 9 were made to define over the applied prior art in light of the specification. A conference was held with Mr. John Barlow on Jan. 26, 2006 to discuss the difference between the art of record and the claim invention.

Allowable Subject Matter

2. Claims 1, 3-9, 12-16 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 7, 8, 9 15 and 16 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 1:

The primary reason for the allowance of claim 1 is the inclusion of the apparatus for measuring characteristics of a bit stream of binary pulses including the control means includes programmable means for establishing an array of columns and rows defining the points for accumulating counts of pulse voltage levels at time offsets during the duration times and for creating a voltage threshold window that

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moves between a minimum and maximum voltage with changes of rows of the array. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claims 3-6 are allowed due to their dependency on claim 1.

Regarding claim 9:

The primary reason for the allowance of claim 9 is the inclusion of the method for determining characteristic of a bit stream of binary pulses including establishing an array of columns and rows defining the points for accumulating the event counts at time offsets during the defined duration times; creating a voltage threshold window that moves with respect to a minimum and maximum voltage threshold wherein the voltage threshold window changes with respect to the rows of the array. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claims 12-14 are allowed due to their dependency on claim 9.

Regarding claims 7, 8, 15 and 16:

Please see the applicant's response filed on 01/23/2006 for reason for allowance.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL



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